

REMARKS

Claims 8, 13, 22, and 28 are canceled. Claims 30-37 are withdrawn. Claims 1, 9, and 18 are amended to include the limitation of claim 8, 13, and 22 respectively. No new matter is added by the amendment. A terminal disclaimer, in compliance with 37 CFR 1.321(c), are filed with this amendment to overcome the judicially created doctrine of obviousness-type double patenting rejections over claims 1-22 of U.S. Patent No. 6,749,978.

Claims 1-7, 9-12, 14-21, 23-27, and 29 are pending and in condition for allowance. Claims Applicants respectfully request reconsideration of the pending rejections based on the following comments.

**Double Patenting Rejection under 35 U.S.C. § 101**

Claims 1, 3, 6, 9, 11, 12, 18 and 24 were rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1, 2, 7, 11, 12, 13, 18, and 20, respectively of U.S. Patent No. 6,749,978 (the ‘978 patent). The examiner asserted that the scope of these claims are the same. Claims 1, 9, and 18 are amended to include the limitation of claim 8, 13, and 22 respectively. After the amendment, each of the currently amended claims 1, 9, and 18 and the original claim 24 include the limitation that “Y comprises a bond, nitrogen atom, oxygen atom, sulfur atom, a branched or linear -(CH<sub>2</sub>)<sub>p</sub>- group where p is an integer between 0 and 10, a cycloalkyl group, or a cyclosiloxyl group.” The Y group in claims 1, 9, 18 and 24 of this application does not comprise an aryl group or a heterocyclic group. However, each of claims 1, 2, 7, 11, 12, 13, 18, and 20 of the ‘978 patent includes the limitation that Y comprises an aryl group or a heterocyclic group. Therefore the scope of amended claims 1, 9, and 18 and original claim 24 are different from the scope of claims 1, 11, 18, and 20, respectively of the ‘978 patent. Similarly, the Y group in claims 3 and 6, which depends on claim 1, and claims 11-12, which depends on claim 2, does not comprise an aryl group or a heterocyclic group, whereas the Y group in claims 2, 7, 12, and 13 of the ‘978 patent comprises an aryl group or a heterocyclic group. Therefore, the scope of claims 3, 6, 11, and 12 of this application are also different from the scope of claims 2, 7, 12, and 13, respectively of the ‘978 patent.

In view of the above comments, Applicants respectfully request withdrawal of the rejection of claims 1, 3, 6, 9, 11, 12, 18 and 24 under 35 U.S.C. § 101 as claiming the same

invention as that of claims 1, 2, 7, 11, 12, 13, 18, and 20, respectively of U.S. Patent No. 6,749,978.

**Double Patenting Rejection**

Claims 1-29 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,749,978. A terminal disclaimer, in compliance with 37 CFR 1.321(c), is filed for claims 1-29 with this application to overcome the judicially created doctrine of obviousness-type double patenting rejection.

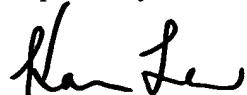
In view of the above comments, Applicants respectfully request withdrawal of the rejection of claims 1-29 under the judicial doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,749,978.

CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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